



Department of Energy
Carlsbad Field Office
P. O. Box 3090
Carlsbad, New Mexico 88221

3 OCT 2003



Mr. Steve Zappe, WIPP Project Leader
Hazardous Waste Permits Program
Hazardous Waste Bureau
New Mexico Environment Department
2905 E. Rodeo Park Dr. Bldg. 1
Santa Fe, New Mexico 87505-6303

Subject: Los Alamos National Laboratory (LANL) Sealed Sources Permit Modification Request, Waste Isolation Pilot Plant (WIPP) Hazardous Waste Facility Permit (HWFP) EPA ID Number 4890139088

Dear Mr. Zappe:

In your letter dated September 30, 2003 you suggested additional data and information that New Mexico Environment Department (NMED) believes would supply needed information missing from our Permit Modification Request (PMR) for relief from headspace gas sampling and analysis requirements for LANL Sealed Sources. The suggestions made are the result of our discussions held on September 25, 2003 as referenced in your letter. We are beginning development of our revised permit modification request and anticipate submittal of the PMR on or about October 20, 2003.

Item 1, page 2 of your letter, requests that the Permittees prepare a list of individual sealed sources "...either of containers that would contain sources, or of individual sources if not yet packaged..." for which information is available. You state NMED could then select "...at least one specific source/container from the list for which required information would be provided in a revised PMR." As we discussed, NMED could randomly select a source/container for which information is to be provided...". A list of sources is provided as Enclosure A. We request that you select a source or container so that we can assemble the data available for submission with our revised permit modification request.

The NMED has also suggested we include information on how the defense determination is made for the individual sources and the transuranic status of these sources. We will provide this information to NMED. We note that determinations as to whether waste is transuranic under Section 9 of the Land Withdrawal Act and the defense waste under Section 213 of the Department of Energy National Security and Military application of Nuclear Energy Authorization Act of 1980 (Pub.L. 96-164.93 Stat. 1259, 1265) are not within the purview of NMED.



Mr. Steve Zappe

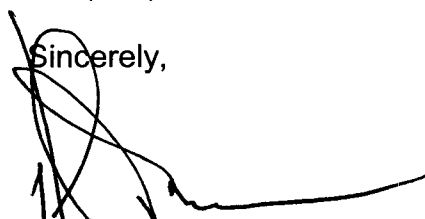
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We would appreciate your making the selection and informing us of your selection by October 8, 2003. We will then provide pertinent information for the selected item to you for your review. As requested in your letter of September 30, 2003, we will also include this information as part of the PMR submitted for Sealed Sources on or about October 20, 2003.

If you have any questions, please call me at (505) 234-7462

Sincerely,



H.L. (Jody) Plum
RCRA Compliance Manager

Enclosure

Enclosure

The Item numbers available are:

LA00000058566
LA00000058632
LA00000058633
LA00000058634
LA00000058681
LA00000058682
LA00000058694
LA00000058695
LA00000058696
LA00000058697
LA00000058698
LA00000059904
LA00000060300
LA00000061400
LA00000061412
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